

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AAMCO TRANSMISSIONS, INC.,	:	Civil Action
	:	No. 10-CV-03925
Plaintiff	:	
	:	
vs.	:	
	:	
DANIEL VAN DYKE,	:	
	:	
Defendant	:	

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR ORDER OF
CONTEMPT AGAINST DEFENDANT, DANIEL VAN DYKE**

AND NOW comes the Defendant, Daniel Van Dyke, by and through counsel, Neil D. Ettinger, Esquire, Ettinger & Associates, LLC, who hereby answers Plaintiff's Motion and specifically opposes said Motion in light of Defendant's compliance, at all times, with this Court's Preliminary Injunction as well as Plaintiff's Covenant Not to Compete per Franchise Agreement specifically, Paragraph 20, and avers as follows:

1. At all times relevant, Defendant Daniel Van Dyke has complied with the Order and has terminated his participation, cooperation and ownership of Plaintiff's formal franchise location of 2264 MacArthur Road, Whitehall, PA 1805, in compliance with the Order and accompanying covenant.
2. Defendant since the date of said Order has not in any manner violated the Order, breached the Covenant, nor in any manner is/or should be held in Contempt for any reason.
3. Plaintiff's motion for Contempt is without merit and justification.

Respectfully submitted,

ETTINGER & ASSOCIATES, LLC

By: /s/Neil D. Ettinger

Neil D. Ettinger, Esquire

Attorney I.D. #75934

Peachtree Office Plaza

1815 Schadt Avenue

Whitehall, PA 18052

610-439-3881

Attorney for Defendant

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	:	
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CERTIFICATE OF SERVICE

AND NOW, this 10th day of February, 2011, I, Neil D. Ettinger, Esquire, counsel for Defendant, Daniel Van Dyke, hereby certify that the foregoing Defendant's Response in Opposition to Plaintiff's Motion for Order of Contempt Against Defendant, Daniel Van Dyke has been filed electronically and is available for viewing and downloading from the ECF system and a true and correct copy of said Response was served upon the following on February 10, 2011 via electronic mail to: William B. Jameson, Esquire

wjameson@cottman.com, apoliner@cottman.com, jgoniea@aamco.com

and via U.S. First Class Mail at the following address:

William B Jameson, Esquire
AAMCO Transmissions, INC
201 Gibraltar Road, Suite 150
Horsham, PA 19044

ETTINGER & ASSOCIATES, LLC

By: /s/Neil D. Ettinger
Neil D. Ettinger, Esquire
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1815 Schadt Avenue
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Attorney for Defendant